



Board of Appeals

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Tuesday, May 29, 2018

4:45 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Board of Appeals** of the City of De Pere will be held on **May 29, 2018 at 4:45 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call
2. Approval of the minutes of the April 9, 2018 Board of Appeals meeting.
3. Annual Election of Chair & Vice Chair.
4. Request a variance for a 30 foot height requirement for an amateur radio antenna to be increased by 4 feet to allow for a 34 foot antenna to be erected on a single family residential property, located at 1936 Snowy Owl Court (Parcel WD-1390). Submitted by Eugene A. Radtke, property owner.
5. Request a variance for the 3 foot fence height within the corner side yard setback to be increased by 3 feet to allow for a 6 foot high fence that does not have 90 % through visibility on a single family residential property, located at 708 N. Melcorn Circle (Parcel ED-2666). Submitted by Kenneth D. Heller III, property owner.
6. Request a variance for a 6 foot interior side yard setback for accessory uses to be reduced by 4 feet to allow for a reconstructed garage to have a 2 foot side yard setback on a single family residential property, located at 715 S. Michigan Street (Parcel ED-1433). Submitted by Ronald P. Hoffmann, et al., property owners.
7. Request a variance for the 30 foot front yard setback to be reduced by 10 feet to be a 20 foot front yard setback, and for the 30 rear yard setback to be reduced by 20 feet to become a 10 foot rear yard setback on two single family properties that are proposed to be combined into one lot, located at 412 Bomier Street (Parcels ED-95 & ED-104). Submitted by Pat Drury, authorized representative for Luke Russell and Megan O'leary, property owners.

Adjournment

Any person wishing to attend this meeting, who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Eugene & Arlene Radtke
Todd Woulf

Jeffrey & Julie Duckett
James & Mary De France
Jeffrey & Michelle Jostad
William & Cheryl Veazie
Robert Miller
Douglas & Denise Dugenske
Kenneth & Heather Heller
Jordan Schulz
Ronald Hoffmann
Michael & Darlene Smits
Hope Lutheran Church
Luke Russell & Megan Oleary
Pat Drury
Michael & Anne Trulley
Wisconsin Department of Natural Resources
Klark & Erin Pennings
Peter & Mary Sorensen
Michael Tressler & Heather Joint

City of De Pere, Wisconsin**Request For Board of Appeals Action**

MEETING DATE: May 29, 2018

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the April 9, 2018 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Apr2018_Minutes_Draft(PDF)



Board of Appeals

Special Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Monday, April 9, 2018

4:45 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 4:45 PM by Chairman Bob De Groot

Attendee Name	Title	Status	Arrived
Scott Bonfigt	Board Member	Present	
Bob De Groot	Chairman	Present	
Paul De Leeuw	Board Member	Excused	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	

Also present: City Planner/Zoning Administrator Peter Schleinz.

2. Election of a new Board of Appeals Vice Chair.

Bill Vande Hei moved, seconded by Scott Bonfigt, to nominate Andy Van Remortel to the position of vice chair. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Vande Hei, Board Member
SECONDER:	Scott Bonfigt, Board Member
AYES:	Bonfigt, De Groot, Stadler, Vande Hei, Remortel
EXCUSED:	Paul De Leeuw

3. Approval of the minutes of the February 26, 2018 Board of Appeals meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Stadler, Board Member
SECONDER:	Scott Bonfigt, Board Member
AYES:	Bonfigt, De Groot, Stadler, Vande Hei, Remortel
EXCUSED:	Paul De Leeuw

4. Public hearing and variance request for an eastern 10 foot interior side yard setback to be reduced by 4.5 feet to become a 5.5 foot interior side yard setback for a deck to be rebuilt on a single family residential property, located at 660 River Avenue (Parcel WD-824). Submitted by Jeffrey C. & Valerie E. Kretz, Property Owners.

Chairman Bob De Groot read the notice of public hearing and City Planner Peter Schleinz reviewed the variance request. The board members agreed to make a decision on the request even though the applicants were not in attendance, due to the fact that the regularly scheduled meeting the previous week had to be postponed on short notice. Bill Van de Hei moved, seconded by Jim Stadler to approve the variance, and requested that staff notify the applicants by telephone of the decision. Upon vote, motion carried unanimously.

Attachment: BoA_Apr2018_Minutes_Draft (6993 : Approval of the minutes of the April 9, 2018 Board of Appeals meeting.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Vande Hei, Board Member
SECONDER:	James Stadler, Board Member
AYES:	Bonfigt, De Groot, Stadler, Vande Hei, Remortel
EXCUSED:	Paul De Leeuw

Adjournment

Jim Stadler moved, seconded by Andy Van Remortel to adjourn the meeting at 4:55 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin**Request For Board of Appeals Action**

MEETING DATE: May 29, 2018
DEPARTMENT: Board of Appeals
FROM: Kelly Barker
SUBJECT: Annual Election of Chair & Vice Chair.

City of De Pere, Wisconsin**Request For Board of Appeals Action**

MEETING DATE: May 29, 2018

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: Request a variance for a 30 foot height requirement for an amateur radio antenna to be increased by 4 feet to allow for a 34 foot antenna to be erected on a single family residential property, located at 1936 Snowy Owl Court (Parcel WD-1390). Submitted by Eugene A. Radtke, property owner.

ATTACHMENTS:

- BoA_May2018_Public Hearing Notice(DOCX)
- Report to Board of Appeals - Antenna at 1936 Snowy Owl CT (DOCX)
- Application Form (PDF)
- Photos from Property Owner (DOCX)
- Elevations and Antenna Location (PDF)

Publish: May 18, 2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Zoning Board of Appeals of the City of De Pere, Brown County, Wisconsin, on May 29, 2018 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b) submitted by Eugene Radke, 1936 Snowy Owl Court, De Pere, Wisconsin. Said appeal requests a building permit to install a 34 foot tall antenna on the property located at 1936 Snowy Owl Court, De Pere, Wisconsin, which would require a 4 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b), which allows a maximum 30 foot high antenna.

2. An appeal for a variance from the City of De Pere Municipal Code, Section 8-22(C) submitted by Kenneth Heller III, 708 N Melcorn Circle, De Pere, Wisconsin. Said appeal requests a building permit to construct a 6 foot high fence on the property located at 708 N Melcorn Circle, De Pere, Wisconsin, which would require a 3 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 8-22(C) which allows a maximum three (3) foot high fence in a corner side yard setback.

3. An appeal for a variance from the City of De Pere Municipal Code, Section 14-39 (6)(3)(b) submitted by Ronald Hoffman, 715 S Michigan Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a garage within 2 feet of the side yard on the property located at 715 S Michigan Street, De Pere, Wisconsin, which would require a 4 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39 (6)(3)(b), which allows a 6 foot interior side yard setback.

4. An appeal for a variance from the City of De Pere Municipal Code, Section 14-38 (6)(1)(b) submitted by Luke & Megan Russell, 412 Bomier Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a single family residence on the property located at 412 Bomier Street, De Pere, Wisconsin which would require a variance for a 20 foot front yard setback and a 10 foot rear yard setback.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b), which allows a 30 foot front yard setback and a 30 foot rear yard setback.

Dated this 18th day of May, 2018

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

APPLICANT / OWNER:	Eugene A. & Arlene E. Radtke, property owners 1936 Snowy Owl Court De Pere, WI 54115
SITE HISTORY:	The subject site is part of the residential subdivision titled, "Clairmoor Estates First Addition." The subject lot was zoned R-1 and was developed in 2016-2017. Accessory uses are allowed at a height of 15 feet, per Municipal Code 14-38(6)(3)(b). Amateur radio antennas are an allowed accessory use, per Municipal Code 14-38(1)(g)(7). However, radio, TV, and similar transmitting and receiving systems are allowed a 30 foot height if a conditional use permit is obtained.
STAFF REVIEW:	The property owners proposed a 34 foot tall amateur radio antenna, which exceeds the Municipal Code heights of 15 and 30 feet: State statute (62.23(7)(hf) has specific regulatory limits on local government zoning regulations of amateur radio antennas. Broadly speaking, the ordinance must have reasonable and clearly defined aesthetic, health or safety objectives which represent the minimum practical regulation necessary and the ordinance must reasonably accommodate amateur radio communications. De Pere's R-1 Zoning District regulations identify radio antenna, including dish antenna, as a permitted accessory use, with a maximum height of 15 ft. The R-1 Zoning District also lists radio, TV and similar transmitting and receiving systems as allowable with a conditional use, with a 30 ft. maximum antenna height. In interpreting the Municipal Code, in light of the above State Statute requirements, staff and the City Attorney believe that it is difficult for the City to say that the 15 ft. height requirement in the R-1 Zoning District is the minimum regulation necessary when the city already recognizes that 30 ft. is allowable in the same residential zone with a conditional use permit. Therefore, the City is interpreting the minimum regulation necessary for antenna height in a residential zone to be 30 feet rather than 15 feet. • <i>City staff denied the permit request for a 34 foot tall amateur radio antenna because the requested height exceeded 30 feet, which was determined by the City to be a reasonable height allowed for amateur radio antennas as an accessory use in the R-1 Zoning District, per Municipal Codes 14-38(6)(1)(b) and 14-38(1)(g)(7).</i> The applicant provided photos of the proposed antenna, which are attached for review by the Board of Appeals.
REVIEW PROCESS:	For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. The petitioner allowed the petition to be reviewed by the Board on May 29 due to missing the submittal deadline for the April 9 agenda. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

May 29 Mtg
Per discussion w/ Owner

CITY OF DE PERE
RECEIVED
APR 2 2018

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00
		Receipt #: 131047
		Date: 4-02-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Eugene A. Radtke	Authorized Representative	Title	
Mailing Address 1936 Snowy Owl Court	City De Pere	State WI	ZIP Code 54115
Email Address garad50@aol.com	Phone Number (incl. area code) 715-379-9929	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: Legal Description: CLAIRMOOR ESTATES 1ST ADDN LOT 19 13,614 SQ FT	Parcel Number(s): WD-1390
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SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	Municipal Code 14-38 (1)(g)(7) and 14-38(b)(3)(b)
Ordinance Provision:	Lists antennas with conditional use, with a 30 ft maximum antenna height
Project Description:	Install ground-mounted SteppIR TM amateur radio antenna with vertical height of 34 ft
Variance Requested:	I need to be able to install a 34 ft vertical antenna - 4 ft more than currently allowed
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	None
Describe the hardship(s) that would result if the variance is not granted:	Without an antenna I would not be able to operate my home amateur radio station.
Describe how the variance would not have adverse effects on surrounding properties:	The SteppIR TM antenna is green, barely visible, and tapers from 1.5 to .5 inch at end.

Attachment: Application Form (7015 : Request a variance for a 30 foot height requirement for an amateur radio antenna to be increased by)

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

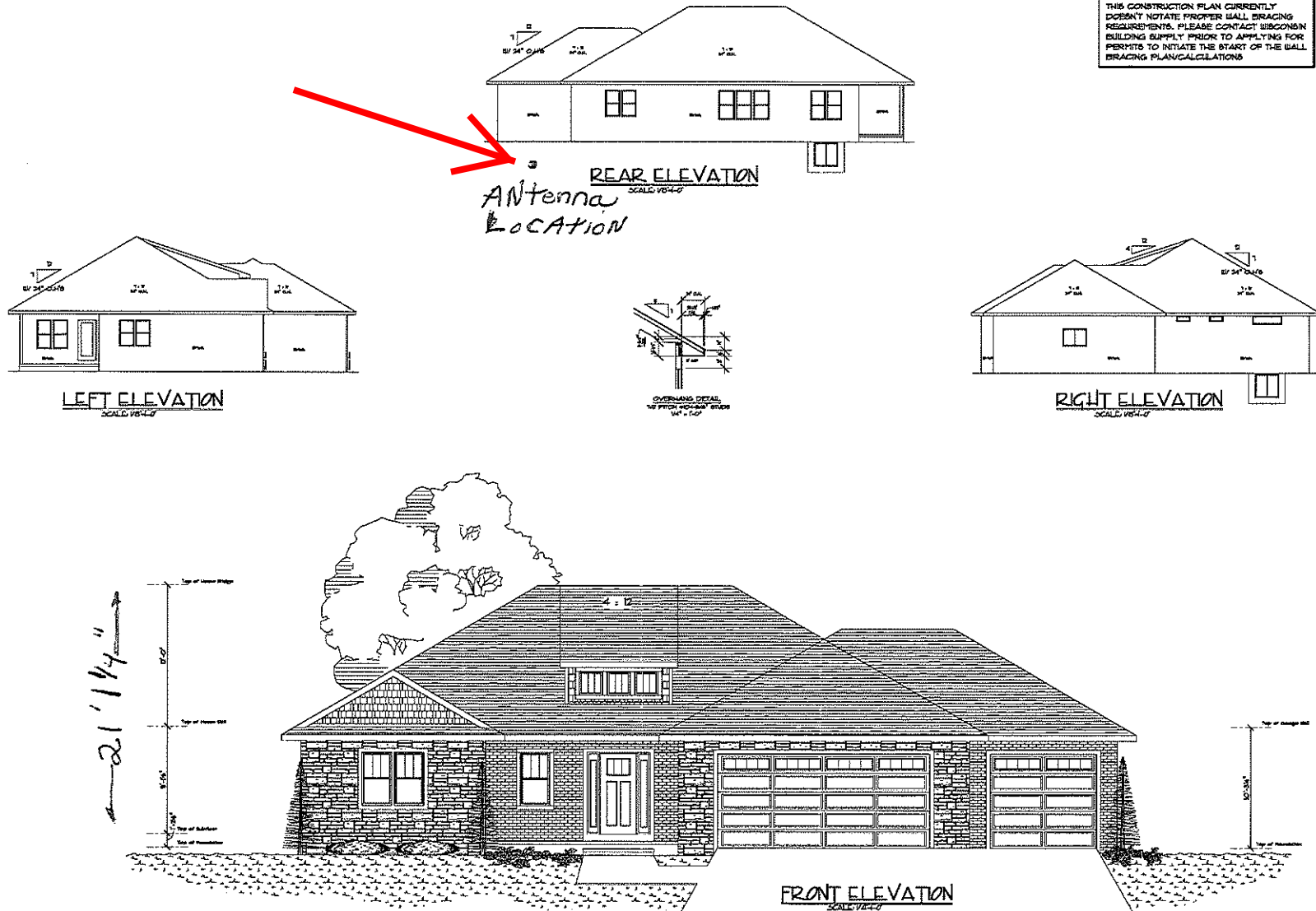
Name of Owner/Authorized Representative (please print) Eugene A. Radtke	Title	Phone Number 715-379-9929
Signature of Applicant <i>Eugene A. Radtke</i>		Date Signed 4/2/2018

Maps and scaled drawings which help explain the request are strongly encouraged. Attach additional sheets if necessary.

Attachment: Application Form (7015 : Request a variance for a 30 foot height requirement for an amateur radio antenna to be increased by)



**PHOTOS OF 34 FOOT TALL ANTENNA ON SITE
PROVIDED BY PETITIONER**



IMPORTANT NOTE:
IT IS ADVISED THAT ALL VENDOR SUPPLY SHEETS HAVE BEEN MADE IN GENERAL CONFORMANCE WITH THE PERMITS ALL OTHERS. THEREFORE, THE USER OF THIS PLAN IS RESPONSIBLE FOR ANY DISCREPANCIES. IT IS NOT ADVISED THAT THE INDIANAN UNIVERSITY BUILDING CODE ALSO

INTEGRITY HOME BUILDERS
DESIGN PREPARED FOR:
JOB NAME: **Boys' Club**
DESIGNER: **Kyle Coleman**
DATE: **November 22, 2018**
SCALE: **1/4" = 1'-0"**

WISCONSIN
PLANS: **0001-18-0010**
DATE: **01/18/2018**
DESIGNER: **Kyle Coleman**
DATE: **01/18/2018**
PROJECT: **Boys' Club**
PROJECT ADDRESS: **1000 N. KENOSHA AVE., KENOSHA, WI 53140**

WISCONSIN
PLANS: **0001-18-0010**
DATE: **01/18/2018**
DESIGNER: **Kyle Coleman**
DATE: **01/18/2018**
PROJECT: **Boys' Club**
PROJECT ADDRESS: **1000 N. KENOSHA AVE., KENOSHA, WI 53140**

Attachment: Elevations and Antenna Location (7015 : Request a variance for a 30 foot height requirement

City of De Pere, Wisconsin**Request For Board of Appeals Action**

MEETING DATE: May 29, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Request a variance for the 3 foot fence height within the corner side yard setback to be increased by 3 feet to allow for a 6 foot high fence that does not have 90 % through visibility on a single family residential property, located at 708 N. Melcorn Circle (Parcel ED-2666). Submitted by Kenneth D. Heller III, property owner.

ATTACHMENTS:

- BoA_May2018_Public Hearing Notice(DOCX)
- Report to Board of Appeals - 6 foot fence at 708 N Melcorn CI (DOCX)
- Application Form (PDF)
- Permit Application Showing Proposed Fence Location (PDF)

Publish: May 18, 2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Zoning Board of Appeals of the City of De Pere, Brown County, Wisconsin, on May 29, 2018 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b) submitted by Eugene Radke, 1936 Snowy Owl Court, De Pere, Wisconsin. Said appeal requests a building permit to install a 34 foot tall antenna on the property located at 1936 Snowy Owl Court, De Pere, Wisconsin, which would require a 4 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b), which allows a maximum 30 foot high antenna.

2. An appeal for a variance from the City of De Pere Municipal Code, Section 8-22(C) submitted by Kenneth Heller III, 708 N Melcorn Circle, De Pere, Wisconsin. Said appeal requests a building permit to construct a 6 foot high fence on the property located at 708 N Melcorn Circle, De Pere, Wisconsin, which would require a 3 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 8-22(C) which allows a maximum three (3) foot high fence in a corner side yard setback.

3. An appeal for a variance from the City of De Pere Municipal Code, Section 14-39 (6)(3)(b) submitted by Ronald Hoffman, 715 S Michigan Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a garage within 2 feet of the side yard on the property located at 715 S Michigan Street, De Pere, Wisconsin, which would require a 4 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39 (6)(3)(b), which allows a 6 foot interior side yard setback.

4. An appeal for a variance from the City of De Pere Municipal Code, Section 14-38 (6)(1)(b) submitted by Luke & Megan Russell, 412 Bomier Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a single family residence on the property located at 412 Bomier Street, De Pere, Wisconsin which would require a variance for a 20 foot front yard setback and a 10 foot rear yard setback.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b), which allows a 30 foot front yard setback and a 30 foot rear yard setback.

Dated this 18th day of May, 2018

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

- Item 5:** Request a variance for the 3 foot fence height within the corner side yard setback to be increased by 3 feet to allow for a 6 foot high fence that does not have 90 % through visibility on a single family residential property, located at 708 N. Melcorn Circle (Parcel ED-2666). Submitted by Kenneth D. Heller III, property owner.

SITE MAP



REQUESTED ACTION: Variance Request.

Allow the height of a fence within a 30 foot corner side yard setback to increase from 3 feet high to 6 feet high. The proposed fence is solid, without 90% through visibility.

COMMON DESCRIPTION: 708 N. Melcorn Circle, located east from the Ryan Road and N. Melcorn Circle intersection.

PARCEL NUMBERS: ED-2666

EXISTING ZONING: R-1 (Single Family Residence District)

PROPOSED ZONING: No change.

SURROUNDING LAND USES: Residential to the north, south, east, and west.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER:

Kenneth D. & Heather M Heller III, property owners
708 N. Melcorn Circle
De Pere, WI 54115-7118

SITE HISTORY:

The subject site is part of the residential subdivision titled, "Trailside Estates." The subject lot was zoned R-1 and had an established 30 foot corner side yard setback, per Municipal Code 14-38(6)(1)(b). The subject house was built in the early 2000's. Allowable fence heights are 3 feet and 4 feet in corner side yard setbacks, per Municipal Code 8-22(c).

STAFF REVIEW:

The property owners want to build a 6 foot privacy fence in the rear yard (south side) of the property. The property owners also desired additional fenced in yard that extends from the rear property line toward the street to the west, and then northward and eastward back to the house.

When a fence line runs from the rear yard and into the corner side yard setback, the fence height within the corner side yard must be only 3 feet high. The proposed fence is 6 feet high in the rear yard and in the corner side yard setback.

The petitioner also wishes to have a solid fence. A fence in the corner side yard setback can be up to 4 feet tall if the fence has 90% through visibility.

- *City staff denied the permit because the requested 6 foot high fence within the corner side yard exceeds the 3 foot fence height by 3 feet, per Municipal Code 8-22(c) and the fence does not have 90% through visibility, per Municipal Code 8-22(c).*

The applicant provided the following photo sample of the proposed fence as supporting documentation for review by the Board of Appeals.

**REVIEW PROCESS:**

For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. The petitioner allowed the petition to be reviewed by the Board on May 29 due to missing the submittal deadline for the April 9 agenda. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

Agreed to Meeting in May 2018

KDH

5.c



CITY OF DE PERE

APPLICATION FOR
VARIANCE

Fee: \$ 168.00

Receipt #: 131162

Date: 4-5-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Kenneth D Heller III	Authorized Representative	Title Mr.	
Mailing Address 708 N Melcorn Cir	City DePere	State WI	ZIP Code 54115
Email Address gbpackers62@gmail.com	Phone Number (incl. area code) 920-323-1499	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: Legal Description: 708 N Melcorn Cir	Parcel Number(s): ED-2666
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SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	3 feet maximum fence height in side and front yard.
Ordinance Provision:	3-22(c) [Fences and hedges]
Project Description:	Allowing a 6 foot fence
Variance Requested:	6 foot Fence
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	constraints of a corner lot
Describe the hardship(s) that would result if the variance is not granted:	Placing a backyard fence on a corner lot is impractical, also needed to keep pets on property.
Describe how the variance would not have adverse effects on surrounding properties:	I am planning to keep fence 10 feet from property line on west side to avoid visual constraints of neighbors to the south.

Attachment: Application Form (7016 : Request a variance for the 3 foot fence height within the corner side yard setback to be increased b)

SECTION 5. Certification and Permission

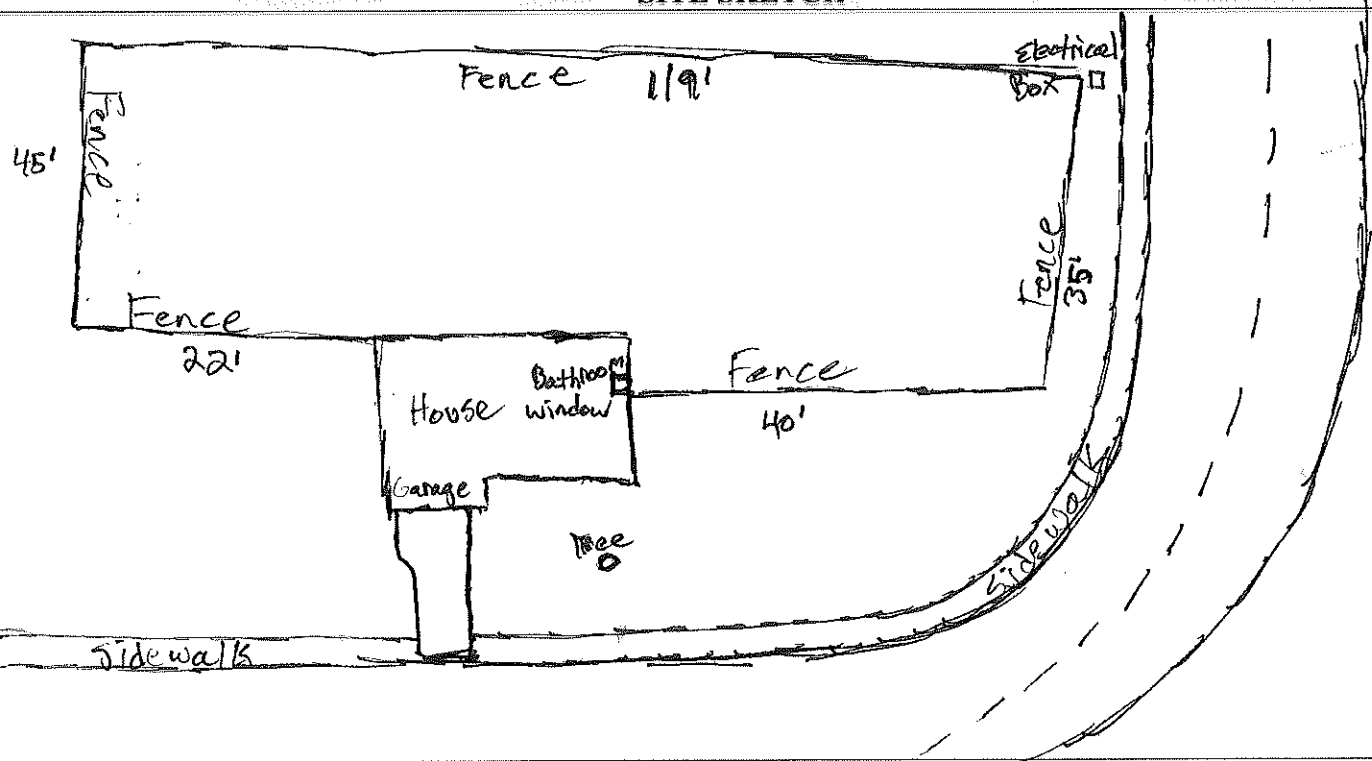
Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Kenneth and Heather Heller	Title Mr., Mrs.	Phone Number 920-323-1499
Signature of Applicant 		Date Signed 4-5-18

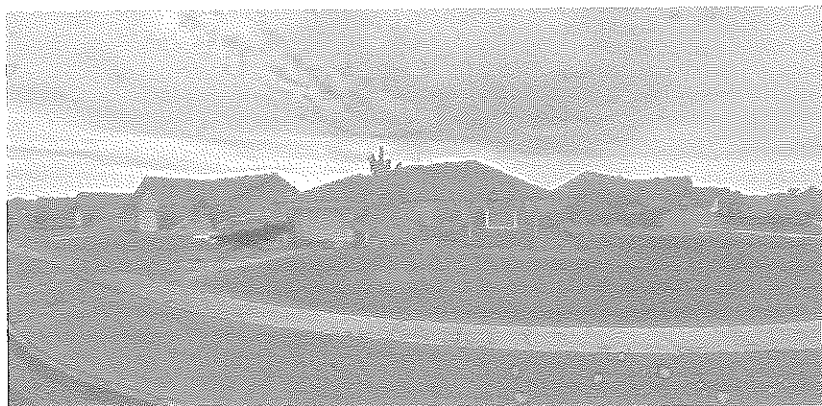
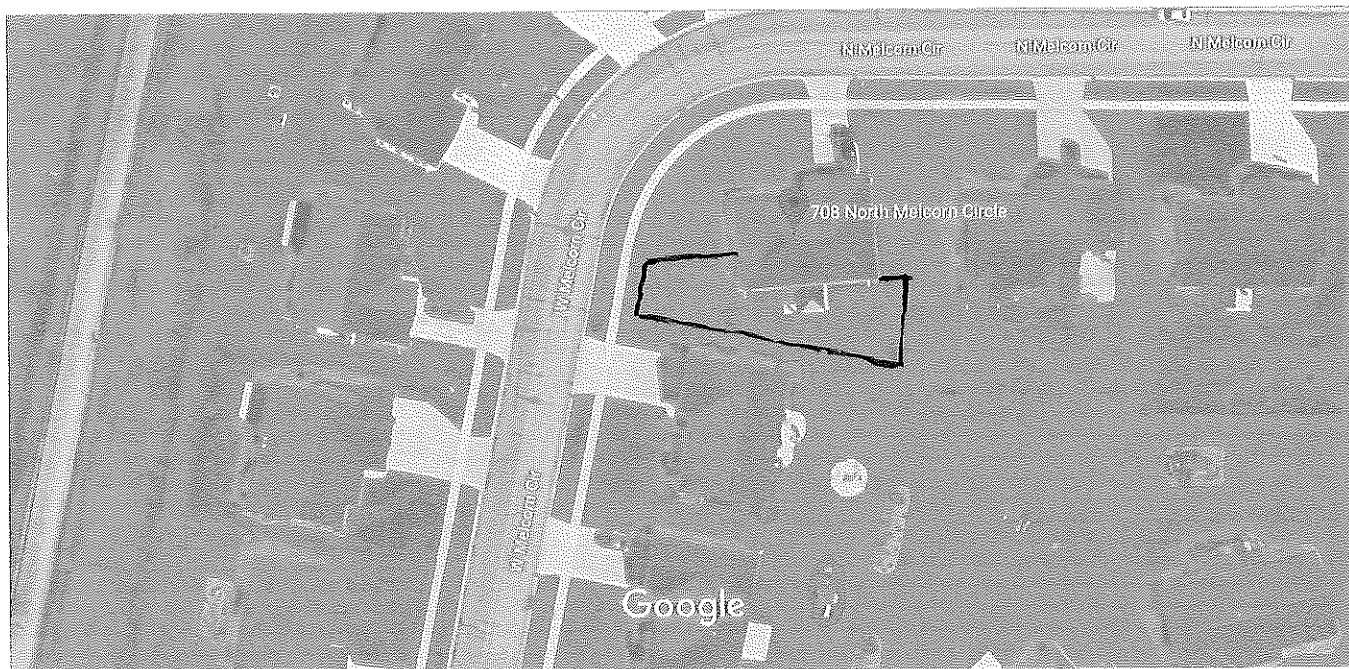
Maps and scaled drawings which help explain the request are strongly encouraged. Attach additional sheets if necessary.

Attachment: Application Form (7016 : Request a variance for the 3 foot fence height within the corner side yard setback to be increased b)

City of De Pere 335 S. Broadway De Pere, WI 54115 (920) 339-4053 Phone (920) 330-9491 Fax		FENCE PERMIT Application and Record 		Permit #: _____ Fee: _____ Receipt #: _____ Date: _____	
PROJECT LOCATION			GENERAL CONTRACTOR		
Owner's Name: <u>Kenneth Heller III</u>			Company Name: <u>NA</u>		
Mailing Address: <u>708 N. Melcorn Cir. De Pere, WI 54115</u>			Mailing Address: _____		
Phone #: <u>920-323-1499</u>		E-mail: <u>gpackers62@gmail.com</u>		Phone #: _____	
Parcel: _____	Lot: _____	Zoning: _____	E-mail: _____		
JOB DESCRIPTION					
Rear Yard Fence Height: <u>6 feet</u>			Side Yard Fence Height: <u>6 feet</u>		
Fence Type: <u>Ac2 Treated</u>			Total Cost of Project: <u>\$3000.00</u>		
Note: The most attractive side of the fence shall face adjoining property. Fences are allowed to the lot line.					
SITE SKETCH					
					
APPLICANT'S STATEMENT			PERMIT APPROVAL		
I certify that the information provided on this form is complete and accurate and hereby agree to comply with all applicable statutes of the State of Wisconsin and ordinances of the City of De Pere, Wisconsin. I further understand that the issuance of this permit creates no legal liability, express or implied, on the City of De Pere, Wisconsin.			Upon signature of an authorized member of the Building Inspection Department, this becomes a permit to conduct the above described work in accordance with all existing laws, ordinances, and regulations.		
Signature: <u>Ken Heller III</u>			Inspector: _____		
Date: _____			Date: _____ Certification #: _____		

1/1/18

Google Maps



Attachment: Permit Application Showing Proposed Fence Location (7016 : Request a variance for the 3 foot fence height within the corner side

City of De Pere, Wisconsin**Request For Board of Appeals Action**

MEETING DATE: May 29, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Request a variance for a 6 foot interior side yard setback for accessory uses to be reduced by 4 feet to allow for a reconstructed garage to have a 2 foot side yard setback on a single family residential property, located at 715 S. Michigan Street (Parcel ED-1433). Submitted by Ronald P. Hoffmann, et al., property owners.

ATTACHMENTS:

- BoA_May2018_Public Hearing Notice(DOCX)
- Report to Board of Appeals - Garage in side yard at 715 S Michigan ST(DOCX)
- Application Form (PDF)
- Neighbor Support Letters & Garage Location Maps (PDF)

Publish: May 18, 2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Zoning Board of Appeals of the City of De Pere, Brown County, Wisconsin, on May 29, 2018 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b) submitted by Eugene Radke, 1936 Snowy Owl Court, De Pere, Wisconsin. Said appeal requests a building permit to install a 34 foot tall antenna on the property located at 1936 Snowy Owl Court, De Pere, Wisconsin, which would require a 4 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b), which allows a maximum 30 foot high antenna.

2. An appeal for a variance from the City of De Pere Municipal Code, Section 8-22(C) submitted by Kenneth Heller III, 708 N Melcorn Circle, De Pere, Wisconsin. Said appeal requests a building permit to construct a 6 foot high fence on the property located at 708 N Melcorn Circle, De Pere, Wisconsin, which would require a 3 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 8-22(C) which allows a maximum three (3) foot high fence in a corner side yard setback.

3. An appeal for a variance from the City of De Pere Municipal Code, Section 14-39 (6)(3)(b) submitted by Ronald Hoffman, 715 S Michigan Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a garage within 2 feet of the side yard on the property located at 715 S Michigan Street, De Pere, Wisconsin, which would require a 4 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39 (6)(3)(b), which allows a 6 foot interior side yard setback.

4. An appeal for a variance from the City of De Pere Municipal Code, Section 14-38 (6)(1)(b) submitted by Luke & Megan Russell, 412 Bomier Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a single family residence on the property located at 412 Bomier Street, De Pere, Wisconsin which would require a variance for a 20 foot front yard setback and a 10 foot rear yard setback.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b), which allows a 30 foot front yard setback and a 30 foot rear yard setback.

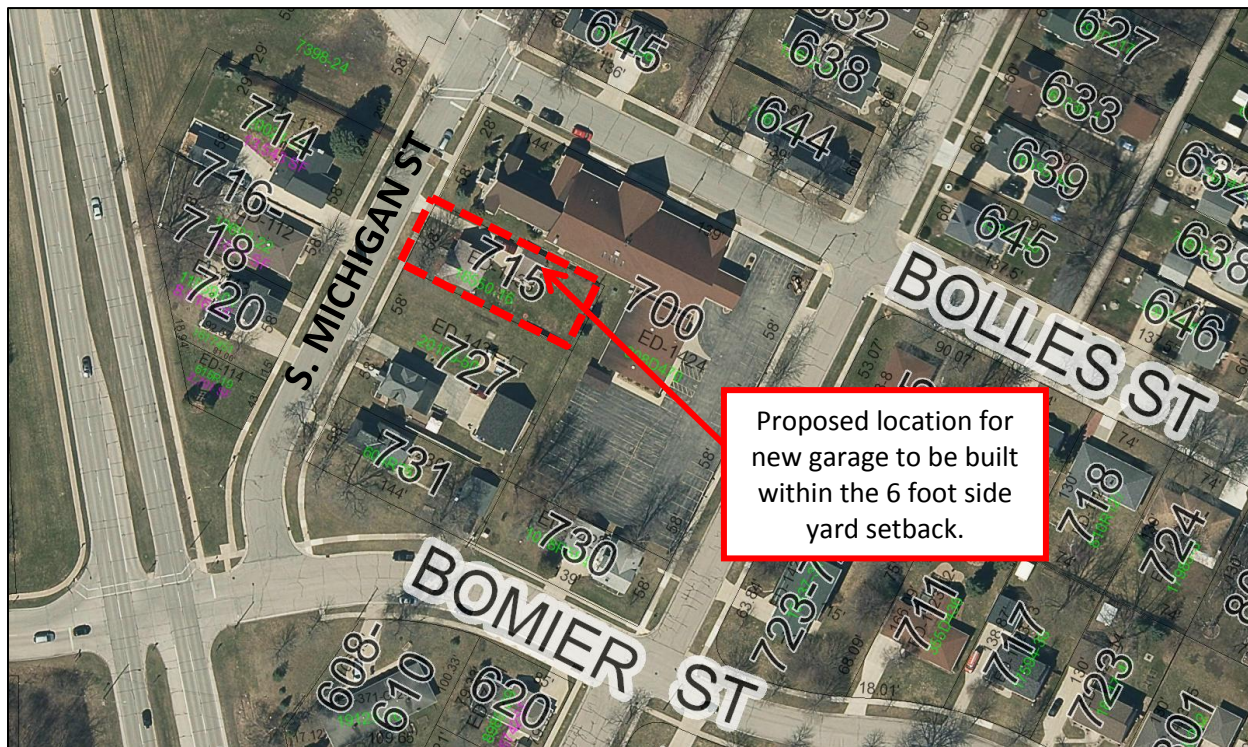
Dated this 18th day of May, 2018

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

Item 6: Request a variance for a 6 foot interior side yard setback for accessory uses to be reduced by 4 feet to allow for a reconstructed garage to have a 2 foot side yard setback on a single family residential property, located at 715 S. Michigan Street (Parcel ED-1433). Submitted by Ronald P. Hoffmann, et al., property owners.

SITE MAP



REQUESTED ACTION: Variance Request.

Allow an existing garage that was built 2 feet from the side yard line to be replaced by a new, larger garage while retaining the 2 foot setback.

COMMON DESCRIPTION: 715 S. Michigan Street, located south from the Michigan Street and Bolles Street intersection.

PARCEL NUMBERS: ED-1433

EXISTING ZONING: R-2 (Single and Two-Family Residence District)

PROPOSED ZONING: No change.

SURROUNDING LAND USES: Institutional (church) to the north and east.
Residential to the south and west.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER: Ronald P. Hoffmann, et al., property owners
715 S. Michigan Street
De Pere, WI 54115-3268

SITE HISTORY:

The subject site is part of the residential subdivision titled, "Jeff Vandermuss's Addition to De Pere." The subject lot was zoned R-2 and had an established 6 foot interior side yard setback for accessory uses, per Municipal Code 14-39(6)(3)(b). The subject house was built prior to 1960.

STAFF REVIEW:

The property owners want to raze their existing 20 foot by 24 foot garage and construct a new 26 foot by 28 foot garage. The original garage was built 2 feet from the side property line, and the property owners wish to build the new garage the same distance from the property line due to space limitations on the property when attempting to line up the driveway.

When a new accessory building is built the new building must meet current codes. Thus, a new garage on the property would have to be at least 6 feet away from the side yard property line. The setback could be reduced to 4 feet without a variance if the building was in the rear 25% of the property. The proposed new garage does not fit within that area.

- *City staff denied the permit because the requested new structure is 2 feet from the side property line, infringing into the 6 foot side yard setback by 4 feet, per Municipal Code 14-39(6)(3)(b).*

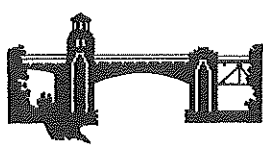
The applicant provided information regarding the garage design and provided copies of support letters from adjacent neighbors for review by the Board of Appeals.

REVIEW PROCESS:

For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. The petitioner allowed the petition to be reviewed by the Board on May 29 due to missing the submittal deadline for the April 9 agenda. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

May 2019 Mtg

6.c

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00
	RECEIVED APR 9 2018 PLANNING DEPT.	Receipt #: 131278
	Date: 09 Apr 2019	

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information			
Applicant Name (Ind., Org. or Entity) Ronald P. Hoffmann and All		Authorized Representative	
Title			
Mailing Address 7155 Michigan St	City DePere	State WI	ZIP Code 54115
Email Address Catherine.macieja@deperewi.gov	Phone Number (incl. area code) 920-619-3183	Fax Number (incl. area code)	
SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)			
Name (Ind. Org. or Entity)		Contact Person	
Title			
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	
SECTION 3: Project or Site Location			
Project Address: 7155 Michigan St DePere WI 54115		Parcel Number(s):	
Legal Description: Zoned R-2		ED-1433	
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	14-39(6)(3)(b)		
Ordinance Provision:	Lot requirement [Setbacks] for single and two-family residence district accessory uses. // side = 6		
Project Description:	Raise existing 20x24 GARAGE REPLACE WITH 26x30 GARAGE (28)		
Variance Requested:	" " * want to retain 2' side yard for new garage.		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	Building larger but on existing build site		
Describe the hardship(s) that would result if the variance is not granted:	OUR YARD GREEN SPACE WOULD BE IMPACTED Still not able to get vehicle in the side		
Describe how the variance would not have adverse effects on surrounding properties:	New GARAGE will be similar to old GARAGE		

Attachment: Application Form (7018 : Request a variance for a 6 foot interior side yard setback for accessory uses to be reduced by 4 feet)

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)	Title	Phone Number
Signature of Applicant <i>Ronald P. H. [Signature]</i>	<i>Cathy [Signature]</i>	Date Signed <i>4/9/18</i>

Maps and scaled drawings which help explain the request are strongly encouraged. Attach additional sheets if necessary.

Hello Neighbors:

May 4, 2018

We are hoping to upgrade our existing garage with a larger more practical garage this summer. Our current garage is in need of numerous updates and upgrades which will be expensive and doesn't resolve our main reason to build, which is to be able to drive two vehicles inside.

Our current garage is 20'x24 and is grand fathered in the city with the existing neighboring setback. We are proposing a 26'x30' garage on the existing spot which would require a variance from the city to obtain a permit. The existing garage is approximately 2 ft off the property line and De Pere Zoning Code requires it be 6 ft off the property line. If the new structure has to be 6 ft off the line, this will essentially almost put the new garage in the middle of our back yard which would lead to issues with making the turn around the house.

At the same time we would like to replace our existing deteriorating concrete driveway. This has been approved by the city, and to upgrade the driveway and not the garage doesn't seem very practical.

We hope to get your approval to get this much needed upgrade approved this summer.

The meeting is Tuesday May 22, 2018 at City of De Pere at 4:45 pm, Council Chambers located at 2nd floor at City Hall.

Thank You,

Ron & Catherine Hoffmann
715 S Michigan St
De Pere WI 54115
Ron 920-619-3183
Catherine 920-606-7241

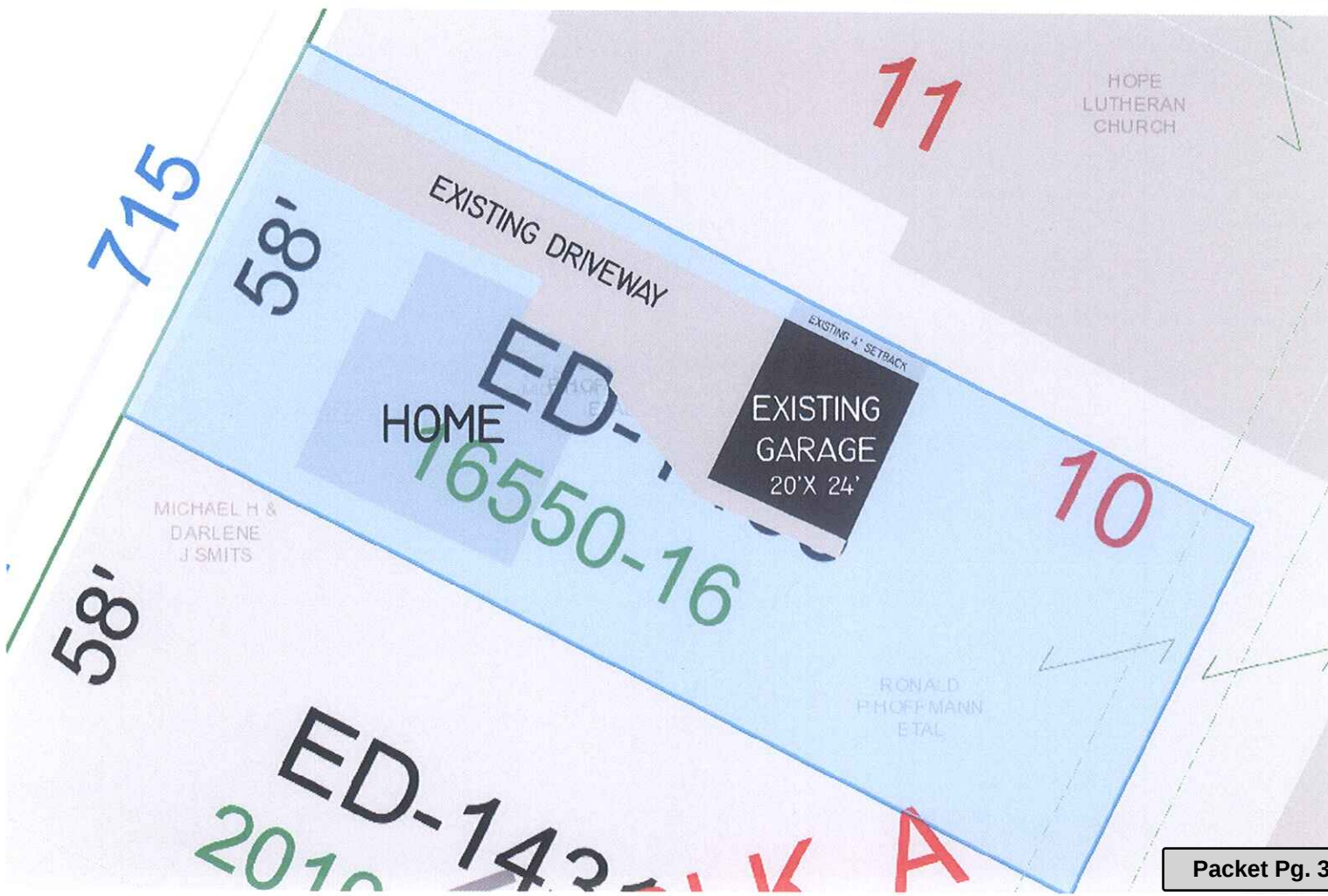
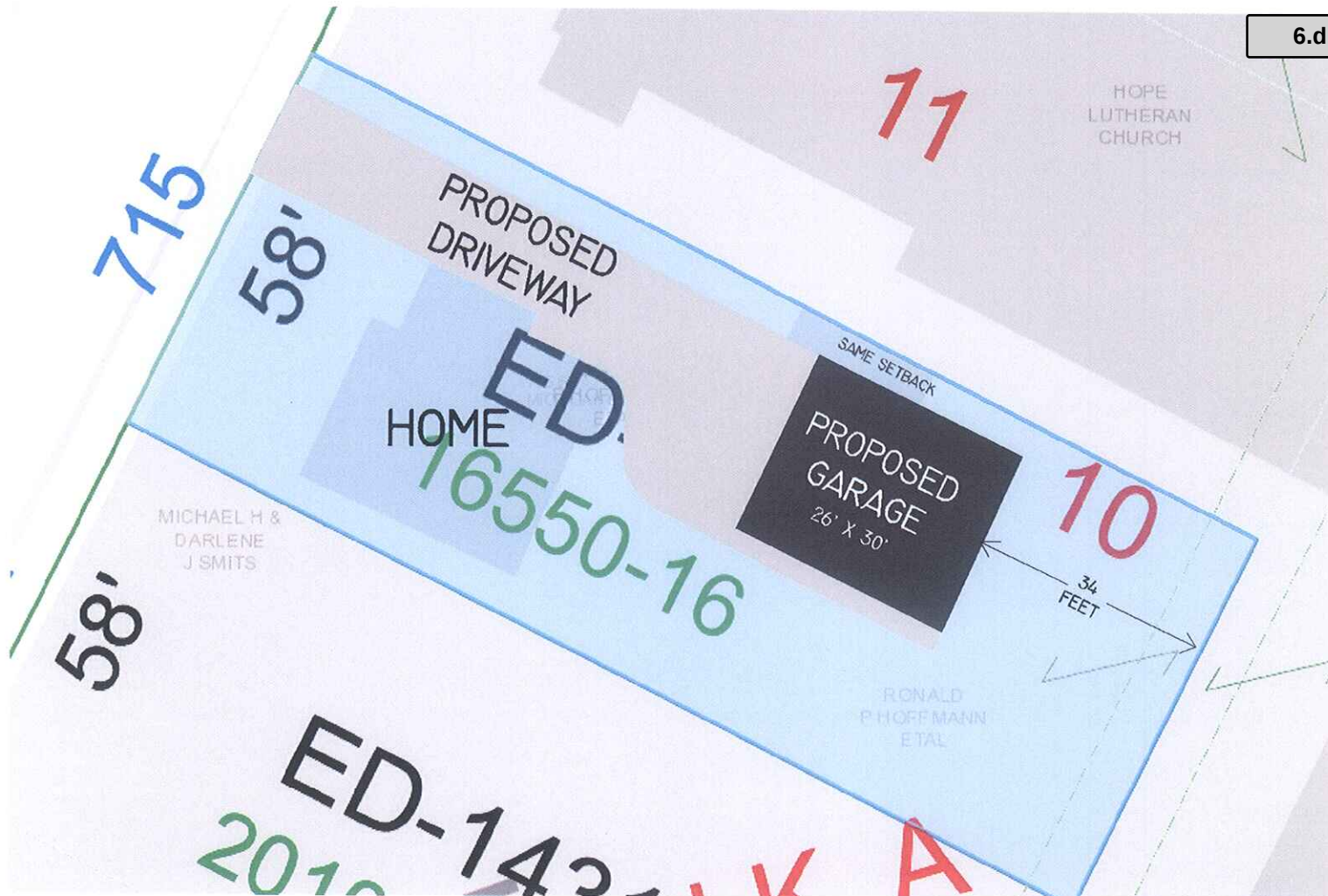
Hope Lutheran Church
700 S Superior St
De Pere WI 54115

Matthew J. Bay, Pastor
Kevin W. Carlson, Trustee

Mike Smits
727 S Michigan St
De Pere WI 54115

Date: 5-14-2018

Date: 5/6/18



Attachment: Neighbor Support Letters & Garage Location Maps (7018 : Request a variance for a 6 foot interior side yard setback for accessory

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: May 29, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Request a variance for the 30 foot front yard setback to be reduced by 10 feet to be a 20 foot front yard setback, and for the 30 rear yard setback to be reduced by 20 feet to become a 10 foot rear yard setback on two single family properties that are proposed to be combined into one lot, located at 412 Bomier Street (Parcels ED-95 & ED-104). Submitted by Pat Drury, authorized representative for Luke Russell and Megan Oleary, property owners.

ATTACHMENTS:

- BoA_May2018_Public Hearing Notice(DOCX)
- Report to Board of Appeals - Front-Rear setbacks at 412 Bomier ST (DOCX)
- Application Form (PDF)
- Authorized Representative Letter & Site Plan Sketches (PDF)

Publish: May 18, 2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Zoning Board of Appeals of the City of De Pere, Brown County, Wisconsin, on May 29, 2018 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b) submitted by Eugene Radke, 1936 Snowy Owl Court, De Pere, Wisconsin. Said appeal requests a building permit to install a 34 foot tall antenna on the property located at 1936 Snowy Owl Court, De Pere, Wisconsin, which would require a 4 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-38(1)(g)(7) and 14-38(6)(3)(b), which allows a maximum 30 foot high antenna.

2. An appeal for a variance from the City of De Pere Municipal Code, Section 8-22(C) submitted by Kenneth Heller III, 708 N Melcorn Circle, De Pere, Wisconsin. Said appeal requests a building permit to construct a 6 foot high fence on the property located at 708 N Melcorn Circle, De Pere, Wisconsin, which would require a 3 foot height variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 8-22(C) which allows a maximum three (3) foot high fence in a corner side yard setback.

3. An appeal for a variance from the City of De Pere Municipal Code, Section 14-39 (6)(3)(b) submitted by Ronald Hoffman, 715 S Michigan Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a garage within 2 feet of the side yard on the property located at 715 S Michigan Street, De Pere, Wisconsin, which would require a 4 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39 (6)(3)(b), which allows a 6 foot interior side yard setback.

4. An appeal for a variance from the City of De Pere Municipal Code, Section 14-38 (6)(1)(b) submitted by Luke & Megan Russell, 412 Bomier Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a single family residence on the property located at 412 Bomier Street, De Pere, Wisconsin which would require a variance for a 20 foot front yard setback and a 10 foot rear yard setback.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b), which allows a 30 foot front yard setback and a 30 foot rear yard setback.

Dated this 18th day of May, 2018

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

- Item 7:** Request a variance for the 30 foot front yard setback to be reduced by 10 feet to be a 20 foot front yard setback, and for the 30 rear yard setback to be reduced by 20 feet to become a 10 foot rear yard setback on two single family properties that are proposed to be combined into one lot, located at 412 Bomier Street (Parcels ED-95 & ED-104). Submitted by Pat Drury, authorized representative for Luke Russell and Megan Oleary, property owners.

SITE MAP



REQUESTED ACTION:	Variance Request. 1. The petitioner plans on combining the subject parcels to create buildable space for a new house. 2. In order to align the setback with another existing house on the street, reduce the street front setback to 20 feet. 3. In order to allow the house to fit, reduce the rear setback to 10 feet.
COMMON DESCRIPTION:	412 Bomier Street and unaddressed vacant lot to the east, located east from the Broadway Street and Bomier Street intersection.
PARCEL NUMBERS:	ED-95 & ED-104
EXISTING ZONING:	R-1 (Single Family Residence District)
PROPOSED ZONING:	No change.
SURROUNDING LAND USES:	Residential to north, south, east, and west. Fox River State Recreational Trail

to the east.

COMPREHENSIVE PLAN:

Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER:

Pat Drury, Authorized Representative	Luke Russell and Megan Oleary
KOS Realty	412 Bomier Street
915 Marvelle Lane	De Pere, WI 54115-2410
Green Bay, WI 54304	

SITE HISTORY:

The subject site is part of the residential subdivision titled, "Bombers Addition to De Pere." The subject lots were zoned R-1 and had established 30 foot front and rear yard setbacks, per Municipal Code 14-38(6)(1)(b). The subject house was built after 1960.

STAFF REVIEW:

The property owners want to raze the existing house and build a new house. Due to the quirky configuration of the two subject lots it is difficult to build two houses, thus, the lots are proposed to be combined for one house to be built.

When a new primary structure is built, the new building must meet current codes. Thus, a new house on the property would require 30 foot front and rear yard setbacks.

The adjacent house to the west was built with an approximate 20 foot front yard setback. If the same setback is used for the new development the street may retain a better aesthetic appearance with matching setbacks. Also, one corner of the proposed new house extends into the rear setback, due to the triangular shape of the lots, created by the street.

- *City staff denied the permit because the requested new structure is 20 feet from the front yard setback and 10 feet from the rear yard setback, infringing into the front yard setback by 10 feet and infringing into the rear yard setback by 20 feet, per Municipal Code 14-38(6)(1)(b). The proposed structure was also bisected by a property line between two lots.*

The applicant provided site plan sketches regarding the proposed new house for review by the Board of Appeals. The applicant also verbally informed adjacent property owners about the proposed variance and received no complaints.

NOTE: If the variance is approved, staff strongly recommends that the Board of Appeals request that the petitioner combine the parcels prior to obtaining any building permits.

REVIEW PROCESS:

For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.



CITY OF DE PERE
APPLICATION FOR
VARIANCE

Fee: \$ 168.00

Receipt #: 132247

Date: 5-8-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Luke + Megan Russell	Authorized Representative Pat Drury	Title OWNER	
Mailing Address 412 Bomier St	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code) 920 619-3244	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) KOS Realty	Contact Person Don Jolly (home buyer)	Title Realtor John Kosmoski	
Mailing Address 915 Marvella Lane	City Green Bay	State WI	ZIP Code 54304
Email Address thejollysema1@gmail.com	Phone Number (incl. area code) 920-309-2100	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: 412 Bomier St De Pere WI 54115	Parcel Number(s):
Legal Description: Zoned R-1	ED-95 ED-104

SECTION 4: Variance Information

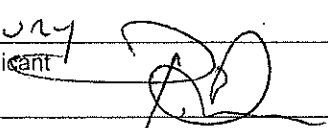
Section of De Pere Code which creates need for Variance:	14-38(6)(1)(b)
Ordinance Provision:	Lot requirement [setbacks] for single family detached dwelling. // Front = 30' Rear = 30'
Project Description:	NEW HOME / 1ST RESIDENTIAL / SETBACK ISSUES FRONT YARD 20' BACKYARD 10'
Variance Requested:	SET BACK REDUCTION TO 20' BACK SETBACK MATCH EXISTING 10' SETBACK
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	SEE ABOVE DIFFICULT TRIANGLE LOT.
Describe the hardship(s) that would result if the variance is not granted:	CREATES AN UNBUILDABLE LOT / IT WOULD FORCE 2 HOUSES TO HAVE ODD SETBACKS w/ HOUSE NEXT DOOR
Describe how the variance would not have adverse effects on surrounding properties:	WE WOULD NOT CREATE ANY HANDSHIPS THAT WE KNOW OF!

Attachment: Application Form (7017) : Request a variance for the 30 foot front yard setback to be reduced by 10 feet to be a 20 foot front)

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) <i>PAT DEWY</i>	Title <i>BUILDER</i>	Phone Number <i>926 619-3244</i>
Signature of Applicant 		Date Signed <i>MAY 9 / 18</i>

Maps and scaled drawings which help explain the request are strongly encouraged. Attach additional sheets if necessary.

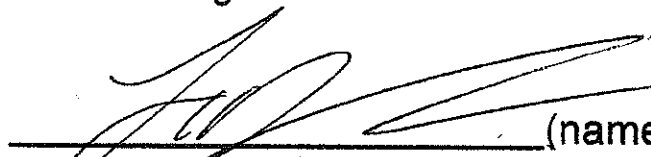
Attachment: Application Form (7017 : Request a variance for the 30 foot front yard setback to be reduced by 10 feet to be a 20 foot front)

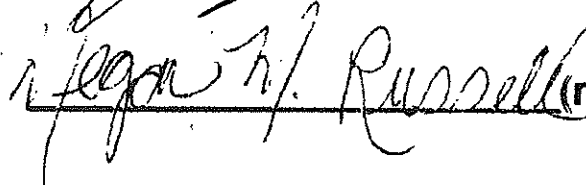
5/2/18

To Whom It May Concern:

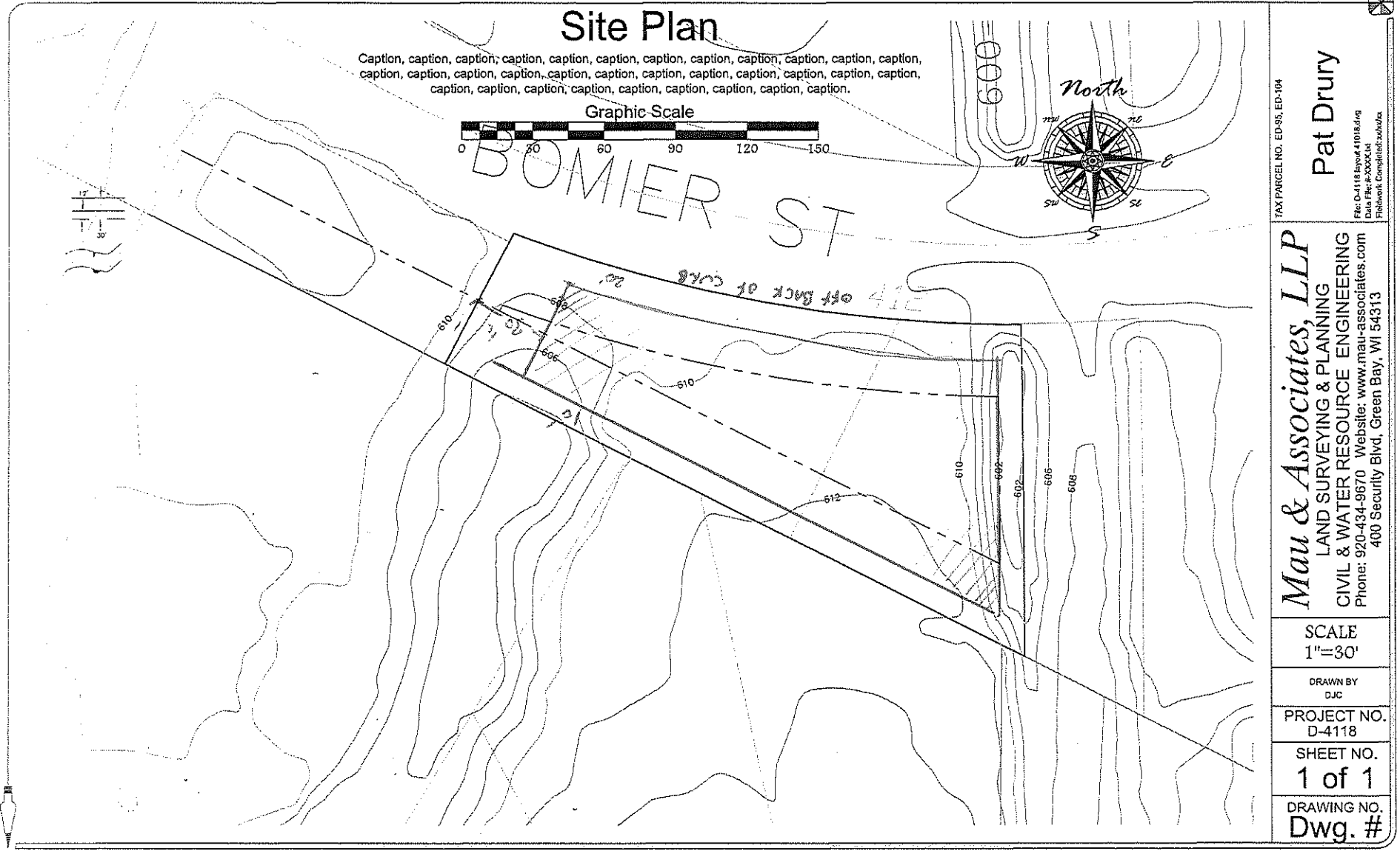
With this letter, we the owners of 412 Bomier Street, DePere, WI, give permission to Don & Lori Joffy and/or Pat Drury of Drury Designs to act as our agent(s) until 6/1/18 in any matters and/or requests regarding variances or zoning of our property located at 412 Bomier Street in the city of DePere, Wi.

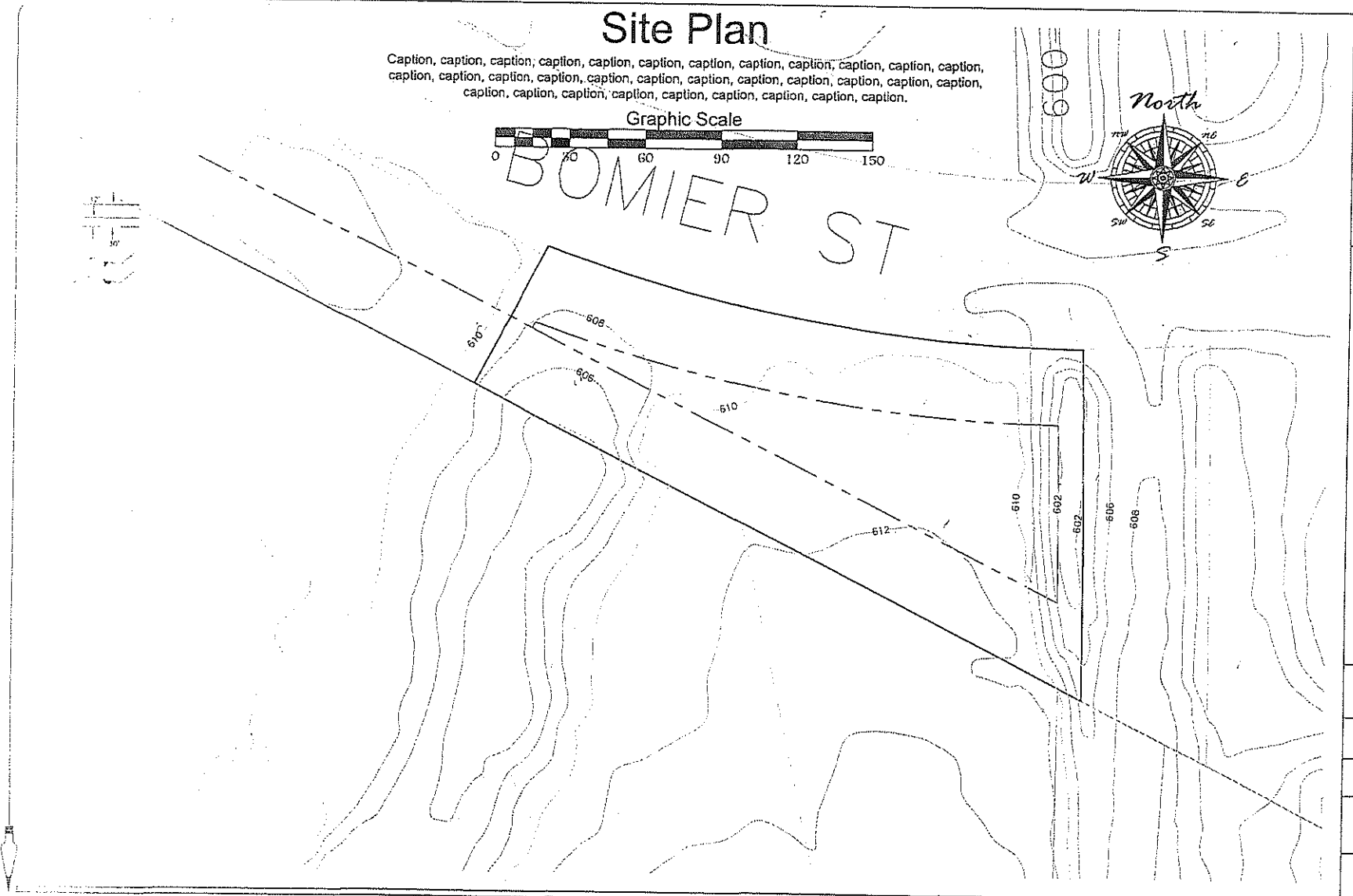
Luke & Megan Russell

 (name) 5/4/18 (date)

 (name) 5/4/18 (date)

Drury/Golly 2018 Bomken St.







TAX PARCEL NO. ED-95, ED-104

Pat Drury

Mau & Associates, LLP
 LAND SURVEYING & PLANNING
 CIVIL & WATER RESOURCE ENGINEERING
 Phone: 920-434-9670 Website: www.mau-associates.com
 400 Security Blvd, Green Bay, WI 54313

SCALE
1"=30'

DRAWN BY
DJC

PROJECT NO.
D-4118

SHEET NO.
1 of 1

DRAWING NO.
Dwg. #

File: D-4118 layout 41016.dwg
 Date Plotted: 8/20/2014
 Plotter: HP DesignJet 5000PS

1/30

